IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

Tr.P(C).No. 228 of 2006()

OPGW.709/2005 of FAMILY COURT, THIRUVALLA

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: PETITIONERS/RESPONDENTS 2 & 3

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1. KOSHY THANKACHAN, AGED 66,
   S/O.LATE CHACKOKOSHY, SAJAN SADANAM,
   AICKADU, KODUMAN P.O.

2. MARIAMMA THANKACHAN, W/O.
   KOSHY THANKACHAN, DO. DO.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS: PETITIONER & IST RESPONDENT

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1. SUNIL THANKACHAN, EDACKATTIL HOUSE,
   PRAMADAM MURI, PRAMADAM VILLAGE,
   PATHANAMTHITTA DISTRICT.

2. SINDHU SUNIL, SAJAN SADANAM,
   AICKADU, KODUMAN P.O., PATHANAMTHITTA,
   NOW STAYING AT 51 ACKERS HALL AVENUE,
   KNOTTYASH, LIVERPOOL, ENGLAND, UK LI 4 2DX.

BY ADV. SRI.BABU CHERUKARA

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Order on I.A.No.2784/06 & I.A.3432/06 in Tr.P(C) 228/06

29.11.06 Dismissed Sd/- M.Sasidharan Nambiar
Judge

/true copy/

M.Sasidharan Nambiar,J.

Tr.P(C).No.228 of 2006

Dated this the 29th day of November,2006

O.R.D.E.R

This petition is filed by parents of second respondent, mother of the child to transfer O.P.(G & W) 709/05 filed by the first respondent father of the child for custody. Petitioners sought transfer of the case raising allegations against the Presiding Officer contending that petitioners were kept from 11.15 am to 5 p.m. without even permitting to drink water, inspite of repeated requests, for the failure of petitioners to produce the child as directed by the court. It was contended that petitioners do not expect a fair trial from the court and therefore the case is to be transferred.

2. A report was called for from the Presiding Officer. The Presiding Officer denied all the allegations raised by petitioners. It has been reported by the Presiding Officer that the child

was not produced as directed when for the second time the child was directed to be produced and when direction was issued to produce the child, the transfer application was filed before this court.

2. On hearing the learned counsel for petitioners I do not find sufficient reason to order transfer as sought for. If petitioners are aggrieved by the order of the Family Court, the proper remedy is to challenge that order and not to seek a transfer.

Petition is dismissed.

M.Sasidharan Nambiar
Judge

tpl/-

M.SASIDHARAN NAMBIAR, J.

CRL.R.P.NO. /97

ORDER

MARCH,2006